

1                                   **AMENDMENTS TO THE DRAWINGS**

2           The attached sheet of drawings includes changes to Fig. 2 only. This sheet, which  
3 includes Figs. 1-3, replaces the original first sheet of drawings including Figs. 1-3. In Fig. 2,  
4 the lead line for reference numeral **50** has been extended to terminate on the same “lever  
5 body” element as in Figs. 1 and 3.

6 Attachment: Replacement Sheet

7           Annotated Sheet Showing Changes in red.

**REMARKS**

Reconsideration of this application as amended is requested. Claims 1 and 6 have been amended, and no claims have been cancelled, leaving claims 1-7 still of record in this case.

In the specification, paragraph [0080] has been amended to correct two objections by the Examiner. The Examiner's first objection was that paragraph [0080] contained three embedded hyperlinks. At the time this application was filed three years ago, such hyperlinks were permissible. In addition to providing printed copies of the relevant prior art web pages discussed in paragraph [0080] pursuant to the Duty of Disclosure, the hyperlinks for those prior art web pages were provided as well, also pursuant to the Duty of Disclosure.

However, on October 21, 2004, a year after this application was filed, new regulations became effective prohibiting hyperlinks in a specification. 37 C.F.R. § 1.57 (69 FR 56539, Sept. 21, 2004, effective Oct. 21, 2004). The M.P.E.P. section cited by the Examiner, states that:

Examples of a hyperlink or a browser-executable code are a URL placed between these symbols "<>" and http:// followed by a URL address.

M.P.E.P. § 608.01, subsection VII (Eighth ed., Revision 5, August 2006).

Accordingly, the "http://" URL hyperlink protocol identifier that preceded each of the three URLs in paragraph [0080] has been deleted by amendment.

Additionally, to address the Examiner's second objection to paragraph [0080], the superfluous word "discloses" has been deleted by amendment as requested by the Examiner.

The Examiner objected to Figure 2 of the drawings, stating that mounting bracket 28 had been incorrectly labeled with reference numeral 50. The lead line for reference numeral 50 has been extended by amendment to now terminate on the same element as it does in Fig. 1 and Fig. 3 of the drawings as filed. In addition to a Replacement Sheet of drawings being provided with this correction, an Annotated Sheet is provided as well for the Examiner's

1 convenience, showing the amended extension of this lead line in red. No other changes have  
2 been made to the Replacement Sheet of drawings provided herewith other than the extension  
3 of the lead line for reference numeral **50** in Fig. 2.

4 The Examiner rejected claim 1 under 35 U.S.C. § 102(b) as being clearly anticipated  
5 by Korsmo, U.S. Patent 2,800,798. The Examiner further rejected claim 6 under 35 U.S.C. §  
6 103(a) as being unpatentable over Korsmo, U.S. Patent 2,800,798 in view of Brainard, U.S.  
7 Patent 6,516,682 and Sogoian, U.S. Patent 3,940,165.

8 Claims 1 and 6 have been similarly amended to now recite that the first fulcrum  
9 surface and said second fulcrum surfaces, which matingly join the lever arm to the lever  
10 body, are “adapted for mating engagement without a pivot axle joining said lever arm to said  
11 lever body when said forward edge portion is engaged under said lip”. Support for this  
12 amendment is found in Figs. 4 and 5 of the drawings as filed.

13 First, and as a threshold point, Sogoian discloses only a deflectable hanger for vehicle  
14 mud flaps, and neither recognizes nor addresses the problem of a hand-operated lever control  
15 arm that engages and releases a linkage when operated in a first direction, but that becomes  
16 disjointed to prevent breakage when moved in other directions. Sogoian is therefore non-  
17 analogous prior art, and there is no suggestion, motivation, or teaching to somehow combine  
18 a mud flap hanger as disclosed in Sogoian with a control arm linkage as shown in any of the  
19 other references to solve the problems solved by the present invention.

20 But, even if Sogoian were somehow to be combined with the other cited references,  
21 none of the references, either singly or in combination, show, teach, suggest or disclose the  
22 structure of claims 1 or 6 as amended.

23 All of the control arm references cited by the Examiner have a common structural  
24 difference from the present invention in that the prior art consistently teaches mounting a  
25 lever arm to a lever body using a pivot axle or pin. For example, Korsmo’s lever arm is  
26 mounted to the lever body by a pivot axle or pin **22**. Brainard’s lever arm is mounted to the

1 lever body by a pivot axle or pin 26. The other control lever arm references cited by the  
2 Examiner have similar structure.

3 In contrast, the present invention, as now claimed in amended claims 1 and 6, recite  
4 as a necessary limitation that there be no pivot axle joining the lever arm to the lever body. It  
5 is this structure that makes the present invention such a significant advance over the prior art  
6 and allows it to fully disjoint in all directions except the single direction of actuation/release,  
7 thereby allowing the lever to function normally when actuated and released along its normal  
8 direction of operation, yet disjoint outwardly as shown in Fig. 5 and side-to-side as shown in  
9 Figs. 11 and 12. Any pivot axle or pin, were it to be present, would prevent this advance in  
10 disjointed levers that has not heretofore been seen in the prior art.

11 Prior art control levers, lacking this structure, are prone to breakage in the event of an  
12 accident or when the vehicle falls over, and the broken lever can seriously maim the rider  
13 when broken metal edges lacerate the rider's hands, limbs, and torso.

14 Therefore, claims 1 and 6 should now be in condition for allowance because of this  
15 structural difference from the prior art, and reconsideration of these claims is respectfully  
16 requested. Furthermore, claims 2-5, which depend from claim 1 and therefore include all of  
17 the limitations of now-allowable claim 1, and claim 7, which depends from claim 6 and  
18 therefore includes all of the limitations of now-allowable claim 6, should also be in condition  
19 for allowance.

20 In conclusion, it is respectfully submitted that the present application and all of its  
21 claims are now in condition for allowance for the reasons previously discussed. All the  
22 references cited by the Examiner have been reviewed and considered but are not felt to come  
23 within the coverage of the claims now in this case, nor are they felt to disclose or suggest the  
24 present invention as specifically defined by the claims now of record. If the Examiner is of  
25 the opinion that a telephone conference relative to this case would advance the prosecution,  
26 the Examiner is respectfully requested to call the undersigned at the indicated phone number.

1 No fees should be required for the filing of this amendment. However, if any fees  
2 should be required for the filing of this amendment or the papers filed concurrently herewith,  
3 please charge such additional fees or credit any overpayment to Deposit Account 23-0125.

4 Formal favorable action and issuance of a timely Notice of Allowance is respectfully  
5 requested.

6 Respectfully submitted,

7 APPALACHIAN CAST PRODUCTS, INC.,  
8 Assignee

9 Date: 10 / 12 / 2006

By: 

10 Russell H. Walker  
11 U.S.P.T.O. Registration No. 35,401  
12 Attorney for Assignee

13 Walker, McKenzie & Walker, P.C.  
14 6363 Poplar Ave., Suite 434  
15 Memphis, Tennessee 38119-4896  
16 Tel. No. (901) 685-7428  
17 Fax No. (901) 682-6488

18 Attachments